GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

HOLIDAYS – Public Holidays under Negotiable Instruments Act, 1881 – Additional Public Holiday in the areas of 124-Badvel (SC) Assembly Constituency, Andhra Pradesh on 30th October, 2021 (Saturday) in connection with Bye-Election - Notification – Issued.

GENERAL ADMINISTRATION (ELECTIONS.A) DEPARTMENT

G.O.Rt.No.1698 **Dated: 14.10.2021.**

Read the following:

1. From Election Commission of India, New Delhi, Press Note No. ECI/PN/83/2021, dated 28th September, 2021.
2. From Election Commission of India, New Delhi, Letter No. 78/EPS/2021/159, dated 1.10.2021

ORDER:

The following Notification will be published in an extraordinary issue of Andhra Pradesh State Gazette:

NOTIFICATION

Under the "Explanation" to Section 25 of the Negotiable Instruments Act, 1881 (Central Act XXVI of 1881) read with Government of India, Ministry of Home Affairs, Notification No.20/25/56 Public-I, Dated: 8th June, 1957, the Government of Andhra Pradesh State, hereby, declares the day of Poll for the bye-election to 124-Badvel (SC) Assembly Constituency, Andhra Pradesh i.e., 30th October, 2021 (Saturday) to be a Public Holiday under Negotiable Instruments Act, 1881, in the area of 124-Badvel (SC) Assembly Constituency, Andhra Pradesh.

(By ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR.SAMEER SHARMA
CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationery and Stores Purchase, Govt. of Andhra Pradesh, Govt. Regional Press Building, 1st Floor, Mutyalampadu, Vijayawada- 521229, for publication in the extra-ordinary issue of Andhra Pradesh State Gazette and to send 20 (twenty) copies.
The Collector & District Magistrate, Kadapa district.

Copy to:

All Departments of Secretariat, Andhra Pradesh State, Velagapudi, Guntur Dist.: with a request to communicate to all Heads of Departments under their control.
The Andhra Pradesh State Public Service Commission, Hyderabad.
The Secretary, Legislature, Assembly Buildings, Velagapudi, Guntur district.
The Returning Officer, 124-Badvel (SC) AC & Sub-Collector, Rajampet, Kadapa
The Commissioner, Information & Public Relations, Andhra Pradesh, Pandit Nehru Bus Station, Vijayawada.
The Accountant General, Andhra Pradesh, Vijayawada
The Registrar, High Court of Judicature, Andhra Pradesh, Nelapadu.

(P.T.O)

The Secretary (SKP), Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi.
The Ministry of Home Affairs, Govt. of India, New Delhi.
The Reserve Bank of India, Hyderabad.
The General Administration (PE/Pol.A) Department, AP Secretariat, Velagapudi, Guntur Dist.
The PS to Chief Secretary, Andhra Pradesh State, Velagapudi
The PS to Principal Secretary to Govt. (Poll.), GAD, AP Secretariat, Velagapudi.
All Officers and Sections in the o/o CEO.
SC/SF.

//FORWARDED::BY ORDER//

Nagamani

SECTION OFFICER

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

TEL: 011-23052246
Fax 011-23052001
Website: www.eci.gov.in

निर्वाचन सदन,
अशोक रोड, नई दिल्ली–110001.
Nirvachan Sadan,
Ashoka Road, New Delhi-110001.

78/2021-EPS /509

Dated: 1st October, 2021

To

1. The Secretary to the Govt. of India, M/o Personnel Public Grievances & Pensions, Department of Personnel and Training North Block, New Delhi.

2. The Chief Secretaries of
Andhra Pradesh, Assam, Bihar, Haryana, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Nagaland, Rajasthan, Telangan and West Bengal.

3. The Advisor to the Administration of UT of Dadra & Nagar Haveli and Daman & Diu.

4. The Chief Electoral Officers of
Andhra Pradesh, Assam, Bihar, Haryana, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Nagaland, Rajasthan, Telangana, West Bengal and UT of Dadra & Nagar Haveli and Daman & Diu

Subject:- Conduct of Bye –Elections to 03 Parliamentary and 30 Assembly Constituencies in various States– **Grant of paid holiday to employees on the day of poll** – Regarding

Sir/Madam,

The Commission has announced the Bye –Elections to fill vacancies in three (3) Parliamentary Constituencies and thirty (30) Assembly Constituencies in various States vide its Press Note dated 28th September, 2021, which is available on Commission's website http://eci.gov.in, under the head "Press Releases" at URL https://eci.gov.in/files/file/13715-schedule-for-bye-elections-in-parliamentaryassembly-constituencies-of-various-states-reg/ The date of poll for the above mentioned election has been fixed on **30.10.2021 (Saturday)**.

2. In this regard, I am directed to invite your attention to Section 135B of the Representation of the People Act, 1951 which provides for the grant of paid holiday to the employees on the day of poll. The Section 135B is reproduced below:-

"135B. Grant of paid holiday to employees on the day of poll.

GI
No. 2028
Date: 02/10/2021
Section A

(1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at election to the House of the People or the Legislative Assembly of a State shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

(3) If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine, which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged."

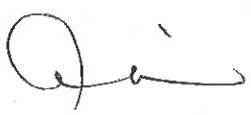
3. The above provisions require that all the electors who are employees of establishments and shops including those which work on shift basis shall be granted a paid holiday on the day of poll in the Constituency where a bye-election is to be held. Further, there may be cases where a person is ordinarily resident of the Constituency and registered as an elector, may be serving/employed in an industrial undertaking or an establishment located outside the Constituency having a bye-election. It is clarified that in such a situation, even those electors including casual workers working outside the constituency concerned would be entitled to the benefit of a paid holiday extended under the Section 135B(1) of the Representation of the People Act, 1951.

4. The daily wage/casual workers are also entitled for a holiday and wages on poll day as provided in Section 135B of the R.P. Act, 1951.

5. The Commission desires that suitable instructions should be issued to all concerned and a copy thereof be endorsed to the Commission for its information and record.

6. The receipt of this letter may please be acknowledged.

Yours faithfully



(Sanjeev Kumar Prasad)
Secretary

Copy to concerned Zonal Sections

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/**83**/2021 Dated:28th September, 2021

PRESS NOTE

Subject: Schedule for Bye-elections in Parliamentary/ Assembly Constituencies of various States – reg.

The Commission has reviewed the situations related to pandemic, flood, festivals, cold conditions in certain regions, feedback from concerned States/UT and taken into consideration all facts and circumstances and it has decided to hold bye-elections to fill vacancies in three (3) Parliamentary Constituencies of UT of Dadra & Nagar Haveli and Daman & Diu, Madhya Pradesh and Himachal Pradesh and thirty (30) vacancies in Assembly Constituencies of various States as per details given below:

Sl. No.	State/UT	Parliamentary Constituency No. & Name
1.	UT of Dadra & Nagar Haveli and Daman & Diu	Dadra & Nagar Haveli
2.	Madhya Pradesh	28-Khandwa
3.	Himachal Pradesh	2-Mandi

Sl. No.	State	Constituency No. & Name
1.	Andhra Pradesh	124-Badvel (SC)
2.	Assam	28-Gossaigaon
3.	Assam	41-Bhabanipur
4.	Assam	58-Tamulpur
5.	Assam	101-Mariani
6.	Assam	107-Thowra
7.	Bihar	78-Kusheshwar Asthan (SC)
8.	Bihar	164-Tarapur
9.	Haryana	46-Ellenabad
10.	Himachal Pradesh	08-Fatehpur
11.	Himachal Pradesh	50-Arki

12.	Himachal Pradesh	65-Jubbal- Kotkhai
13.	Karnataka	33-Sindgi
14.	Karnataka	82-Hangal
15.	Madhya Pradesh	45-Prithvipur
16.	Madhya Pradesh	62-Raigaon (SC)
17.	Madhya Pradesh	192-Jobat (ST)
18.	Maharashtra	90-Deglur (SC)
19.	Meghalaya	13-Mawryngkneng (ST)
20.	Meghalaya	24-Mawphlang (ST)
21.	Meghalaya	47-Rajabala
22.	Mizoram	4-Tuirial (ST)
23.	Nagaland	58-Shamtorr-Chessore (ST)
24.	Rajasthan	155-Vallabhnagar
25.	Rajasthan	157-Dhariawad (ST)
26.	Telangana	31-Huzurabad
27.	West Bengal	7-Dinhata
28.	West Bengal	86-Santipur
29.	West Bengal	109-Khardaha
30.	West Bengal	127-Gosaba(SC)

The Commission has decided to hold these bye-elections to fill vacancies and has fixed the dates of poll events as per provisions under Section 30 and date of withdrawal under Section 30(c) of the Representation of the People Act, 1951. The schedule of bye election is as follows:

Schedule 1: For Assembly Constituency of Andhra Pradesh, Haryana, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Nagaland, Rajasthan, Telangana and Parliamentary Constituency of UT of Dadra & Nagar Haveli and Daman & Diu, Himachal Pradesh, Madhya Pradesh.	
Poll Events	**Schedule 1**
Date of Issue of Gazette Notification	01.10.2021 (Friday)
Last Date of Nominations	08.10.2021 (Friday)

Date for Scrutiny of Nominations	11.10.2021 (Monday)
Last Date for Withdrawal of candidatures	13.10.2021 (Wednesday)
Date of Poll	**30.10.2021 (Saturday)**
Date of Counting	02.11.2021 (Tuesday)
Date before which election shall be completed	05.11.2021 (Friday)

Schedule 2: For Assembly Constituency of Assam, Bihar and West Bengal	
Poll Events	**Schedule 2**
Date of Issue of Gazette Notification	01.10.2021 (Friday)
Last Date of Nominations	08.10.2021 (Friday)
Date for Scrutiny of Nominations	11.10.2021 (Monday)
Last Date for Withdrawal of candidatures	16.10.2021 (Saturday)
Date of Poll	**30.10.2021 (Saturday)**
Date of Counting	02.11.2021 (Tuesday)
Date before which election shall be completed	05.11.2021 (Friday)

1. ELECTORAL ROLL

The published Electoral Rolls for the aforesaid Assembly Constituencies w.r.t 01.01.2021 will be used for these elections.

2. ELECTRONIC VOTING MACHINES (EVMs) and VVPATs

The Commission has decided to use EVMs and VVPATs in the bye-election in all the

polling stations. Adequate numbers of EVMs and VVPATs have been made available and all steps have been taken to ensure that the polls are conducted smoothly with the help of these machines.

3. IDENTIFICATION OF VOTERS

Electoral Photo Identity cards (EPIC) shall be the main document of identification of a voter. However, any of the below mentioned identification documents can also be shown at the polling station:

i. Aadhar Card,
ii. MNREGA Job Card,
iii. Passbooks with photograph issued by Bank/Post Office,
iv. Health Insurance Smart Card issued under the scheme of Ministry of Labour,
v. Driving License,
vi. PAN Card,
vii. Smart Card issued by RGI under NPR,
viii. Indian Passport,
ix. Pension document with photograph,
x. Service Identity Cards with photograph issued to employees by Central/State Govt./PSUs/Public Limited Companies, and
xi. Official identity cards issued to MPs/MLAs/MLCs.

4. MODEL CODE OF CONDUCT

The Model code of conduct shall come into force with immediate effect in the district(s) in which the whole or any part of the Assembly constituency going for election is included, subject to partial modification as issued vide Commission' s instruction No. 437/6/1NST/2016-CCS, dated 29th June, 2017 (available on the commission's website).

5. INFORMATION REGARDING CRIMINAL ANTECEDENTS

The Commission has prescribed timeline for publicity of criminal antecedents during the period starting from the day following the last date of withdrawal and upto 48 hours before ending with the hour fixed for conclusion of poll.

The consolidated instructions on this matter is available on the Commission's website under the following hyperlink https://eci.gov.in/files/file/12265-broad-guidelines-of-election-commission-of-india-on-publicity-of-criminal-antecedents-by-political-parties-candidates/

This is in furtherance of the judgment of the Hon'ble Supreme Court of India dated 13.02.2020 and 10.08.2021 in Contempt Petition (C) No. 656 of 2020 titled Brajesh Singh Vs. Sunil Arora & Ors., which has been circulated to political parties

vide Commission's letter dated 26.08.2021. In pursuance of the direction given under Para 73.v of the judgment, now, Format C-7 should be published by the political parties **within 48 hours of the selection of the candidate and not prior to two weeks before the first date of filing of nominations.**

The Commission has also prescribed following timeline for publicity of criminal antecedents during the period starting from the day following the last date of withdrawal and upto 48 hours before ending with the hour fixed for conclusion of poll.

The consolidated instructions on this matter is available on the Commission's website under the following hyperlink https://eci.gov.in/files/file/12265-broad-guidelines-of-election-commission-of-india-on-publicity-of-criminal-antecedents-by-political-parties-candidates/

6. BROAD GUIDELINES TO BE FOLLOWED DURING THE CONDUCT OF BYE-ELECTIONS /ADJOURNED POLL DURING the period of COVID-19

The Commission has issued broad guidelines on 21st August, 2020. Also, it has issued further guidelines on 09.10.2020, 09.04.2021,16.04.2021, 21.04.2021, 22.04.2021, 23.04.2021 and 28.04.2021 available on Commission's website eci.gov.in or link https://eci.gov.in/candidate-political-parties/instructions-on-covid-19/. Also, vide letter No.40-3/2020-DM-I(A) dated 28th August, 2021, instructions for implementation of targeted and prompt actions for COVID management has been extended by MHA up to 30th September, 2021. After taking inputs from the political parties/Chief Electoral Officers and keeping the extant instructions of MHA/MoHFW in view, the Commission has further strengthened these guidelines. Further, the Commission's all instructions relating to conduct of General Election in West Bengal during the COVID-19 period shall also be *mutatis mutandis* applicable for these bye-elections/adjourned poll.

All stake holders shall abide by these instructions. State Government concerned shall take all appropriate actions/measures in compliance to these instructions as follows.

1	**Nomination**	During Pre and post nomination procession, public meeting prohibited / Only three vehicles permitted within a periphery of 100 meters of RO's office. No procession for nomination shall be permitted.
2	**Campaign period**	

	(a) Meeting for	
	(i) Indoor	30% of allowed capacity or 200 persons, whichever is less. A register will be maintained to count the number of people attending the meeting.
	(ii) Outdoor	With 50% of capacity (as per Covid-19 guidelines) or 1000 in the case of Star Campaigners and 50% of the capacity or 500 in all other cases. In either case, the allowed number is whichever is less. The entire area will be cordoned off and will be guarded by the police. The count of people entering the ground will be monitored. Expenditure for the cordoning/barricading will be borne by the candidate/party. Only those grounds which are cordoned/barricaded completely will be used for rallies.
	(b) Star Campaigners	Number of Star Campaigners restricted to 20 for these bye-elections for National /State recognized parties and 10 for un-recognized registered parties in the wake of the Covid-19 pandemic.
	(c) Road show	No Roadshow shall be allowed and No Motor/Bike/Cycle rallies to be allowed
	(d) Street corner meeting	Maximum 50 persons shall be allowed (Subject to availability of space and compliance to COVID-19 guidelines.)
	(e) Door to door campaign	Door to door campaign with 5 persons including candidates/their representatives.
	(f) Campaign through video van	Not more than 50 audiences shall be allowed in one cluster point subject to availability of space and compliance to covid guidelines.
	(g) Use of vehicles for campaign	Total vehicles allowed for a candidate/political party (excluding Star Campaigner):- 20 Maximum no. of persons allowed per vehicle 50% of the capacity.
3	**Silence period**	The silence period is 72 hours before the end of poll.
4	**Poll day activities**	1. Maximum 2 vehicles with 3 persons each shall be allowed. Security as per the applicable extant guidelines.

		2. Poll day activity on polling station as per ECI guidelines.
5	**Counting day**	DEOs to take appropriate measures to prevent crowding. Social distancing and other COVID safety protocols to be strictly adhered to at all the times during counting.

7. All such activities will be strictly complied as per the Covid-19 guidelines issued by competent authorities. Social distancing and use of mask, sanitizers, thermal scanning, face shield, hand gloves, etc., as per COVID-19 protocol, have to be complied with. SDMA is responsible for all preventive and mitigation measures to ensure adherence to COVID protocol. Chief Secretary and DG and district level authorities will be responsible for monitoring, supervision and compliance of covid-19 guidelines.

8. If a candidate or political party violates any of the above guidelines, no more permission shall be given to the concerned candidate/party for rallies, meetings etc. If any star campaigner violates the COVID protocols, he shall not be allowed to campaign further in that constituency/district.

9. All polling personnel and election officials including the private persons engaged in the election duty shall be **double vaccinated** before taking their services.

10. Candidate/election agent/polling agent counting agent/driver etc. whoever is coming in contact with the public or election officials have to be **double vaccinated**.

11. One health worker to be appointed as COVID nodal officer for each Polling Station.

12. CS/DG and concerned DMs/SPs shall take enough preventive measures and make necessary arrangements to ensure that no poll related violence occurs during pre and post poll.

13. In the light of advisory issued by the Health Ministry of GoI, ECI will keep a close watch on the evolving situation and may further tighten the guidelines for the upcoming elections.

(SANJEEV KUMAR PRASAD)
SECRETARY